

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00160

**Kurby Decker,**  
*Plaintiff,*

v.

**Bryan Collier et al.**  
*Defendants.*

**ORDER**

Plaintiff Kurby Decker, formerly confined within the Texas Department of Criminal Justice and proceeding pro se, filed this lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love.

On September 19, 2022, the magistrate judge issued a report recommending that plaintiff's lawsuit be dismissed, without prejudice, for plaintiff's failure to comply with an order of the court and failure to prosecute his case. Doc. 28. The magistrate judge further recommended that the statute of limitations be suspended for a period of 60 days from the date of final judgment. *See Campbell v. Wilkinson*, 988 F.3d 798, 801 n.1 (5th Cir. 2021). A copy of this report was sent to plaintiff at his address. An online search through the Postal Service's tracking service reveals that the report was delivered to plaintiff's address on September 23, 2022. To date, plaintiff has not filed objections.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

Plaintiff's lawsuit is dismissed, without prejudice, for plaintiff's failure to comply with an order of the court and for failure to prosecute his case. The statute of limitations is

suspended for a period of 60 days from the date of final judgment.  
All motions pending in this civil action are denied.

*So ordered by the court on November 7, 2022.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge